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#SH2292855



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

November 14, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #11-0486
L.A.S.D. File #011-09442-0261-055

Dear Captain Smith,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 21, 2011, non-fatal shooting of Manuel Osuna. It is our conclusion there is insufficient evidence to charge Los Angeles Sheriff's Department (LASD) Deputy Vincent Cisneros with a crime.

The District Attorney Command Center was notified of this incident at 10:40 p.m. on July 21, 2011. The District Attorney Response Team (DART), comprised of Deputy District Attorney Paul Nunez and Senior Investigator [redacted] responded immediately to the scene. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon reports, photographs, and diagrams submitted to this office by LASD Homicide Detectives John O'Brien and [redacted] The voluntary statement of Deputy Cisneros was considered as part of this analysis.

FACTUAL ANALYSIS

On July 21, 2011, Deputy Eric Gonzalez was working the night shift as a one-man patrol unit in The City of Cudahy when he received a broadcast from Deputy Vincent Cisneros that his mobile digital terminal was not operating. Gonzalez and Cisneros received permission from their supervisor to ride together in Gonzalez's patrol car. Gonzalez was the driver.

Just prior to 10:00 p.m., Gonzalez was driving northbound on Salt Lake Avenue when he turned east on Walnut Street. As Gonzalez made the turn, he and Cisneros saw a man, later identified as Manuel Osuna, crossing the street holding a car battery in his hands. Osuna turned towards the patrol vehicle, placed the battery on the sidewalk and began jogging eastbound. Gonzalez stopped the car to contact Osuna who jogged south down a driveway. Cisneros and Gonzalez



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walked quickly down the driveway following Osuna but were unable to locate him. They returned to their vehicle and circled around the block.

One block south of Oak Street, as Gonzalez and Cisneros neared the intersection of Live Oak Street and Salt Lake Avenue, they saw Osuna in the driveway of an apartment building located at [redacted] Salt Lake Avenue.

Cisneros got out of the car and commanded Osuna to, "Stop and show me your hands." Gonzalez saw an unidentified male standing behind Osuna. This unidentified male ran eastbound towards a five-foot cinder block wall. Gonzalez saw what appeared to be a firearm in this man's right hand. The unidentified male climbed over a cinder block wall and went out of view.

Cisneros kept his focus on Osuna as Cisneros commanded Osuna to let Cisneros see his hands. Osuna did not comply and instead crouched down behind a Ford Ranger pick-up truck. While Osuna crouched behind the truck, he lifted his shirt exposing the grip of a handgun in his waistband.

Cisneros continued to give Osuna orders to show his hands but Osuna disregarded the commands and jumped over the same wall as the previous unidentified male. When Osuna reached the top of the wall, Cisneros saw Osuna reach for his waistband with his right hand. Fearing that Osuna was about to shoot him, Cisneros fired multiple times at Osuna.

Osuna went over the wall and Cisneros heard a voice say, "Motherfucker, I'm gonna fuckin' kill you." Cisneros then heard a voice say, "Take it! Take it!" Cisneros grabbed the top of the wall to look over to the other side and saw Osuna faced down on his stomach. Cisneros gave Osuna commands to show his hands. Cisneros saw Osuna reach for his waistband a second time and Cisneros fired multiple times.[1]

Gonzalez, who ran to Cisneros's position during the first sequence of shots, heard someone on the other side of the wall say, "Run, run" in Spanish. Cisneros could hear the other suspect behind the wall so he remained where he was. Cisneros climbed on top of a truck to gain a tactical advantage. He was able to see Osuna who said, "Don't shoot." Osuna raised his hands and complied with further commands.[2]

Deputies searched for the second suspect but were unable to locate him or the gun in Osuna's waistband. Despite deputies speaking to numerous neighbors, no witnesses to the shooting were located.

Detectives interviewed Osuna at the hospital regarding his actions that evening. He said he had used his girlfriend's car to visit a friend. After the visit, he returned to the car and it would not

[1] An examination of Cisneros's gun determined he fired his gun four times during this incident.
[2] Osuna was shot in the left clavicle and the left hip. He recovered from his non-life threatening injuries.



start. He attempted to jump start it but it would not turn over so he removed the battery to take to a local shop.

As he was walking across the street he saw the patrol car and tried to get away. Osuna said he was on parole so he ran from the deputies. During their investigation, detectives had found a large quantity of marijuana in the borrowed car. Osuna admitted the drugs were his but he had no explanation for why he had such a large amount of marijuana.

Officers collected Gun Shot Residue (GSR) samples from Osuna's hands and from the waistband of his clothing. An examination of both GSR kits indicated the presence of GSR.

Pending a parole violation, detectives arranged for Osuna to be [redacted] Osuna told the [redacted] the story of how he was shot and that the deputies believed he was armed. [redacted] told Osuna in reference to the gun Osuna was carrying at the time, "Hey if I was you I would have tossed it." Osuna responded, "They don't have it."

Osuna has suffered multiple convictions regarding the possession of stolen property or vehicles. He has been to state prison on three occasions for these offenses.

CONCLUSION

California has well settled law that the use of deadly force in self-defense situations or in the defense of others is permissible if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Mercer (1962) Cal.App.2d 153.

In protecting himself or another, a person may use all force that he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. California Criminal Jury Instructions 3470.

Where the peril is swift and imminent and the necessity for action is immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

Here, Cisneros used deadly force against Osuna because he believed he was in danger of being shot by Osuna. While no gun was recovered, it appears Osuna was armed based on Cisneros's observations, his comments to the undercover deputy and the presence of GSR on his hands and on his waistband.

In addition, Cisneros heard a voice say, "Take it, take it," which could be inferred to mean Osuna was handing the firearm to the other person seen by deputies. Finally, while Gonzalez did not



see the firearm on Osuna, Gonzalez did see Osuna reach for his waistband which is consistent with Cisneros's statements that Osuna had a gun secreted there.

Cisneros did what he believed was reasonably necessary to defend himself and prevent imminent injury. Based on the totality of circumstances, that belief was reasonable. For these reasons, there is insufficient evidence to prove that Cisneros committed a criminal act upon Manuel Osuna. We are closing are file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Paul Nunez

PAUL NUNEZ
Deputy District Attorney
(213) 974-3880

c: Deputy Vincent Cisneros, #[redacted]





County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 1, 2013

Deputy Vincent Cisneros, #[redacted]
[redacted]

Dear Deputy Cisneros:

On March 13, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2329385. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond; however, you withdrew your grievance at Step One (1).

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days, effective August 5, 2013, through August 14, 2013.

An investigation under File Number IAB 2329385, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents, and 5-09/220.50, Foot pursuits), on or about July 21, 2011, while on duty you failed to conform to the work standards established for your position, and/or failed to employ sound tactical principles, and/or took independent action while attempting to detain a suspect fleeing on foot as evidenced by, but not limited to:

> Failing to notify SCC within the first few seconds of initiating a foot pursuit, failing to take a position of cover and concealment once observing an armed suspect attempting to flee, failing to communicate with SCC and assisting units after initially firing on the suspect, and after firing on the suspect, failing to seek and/or maintain a position of cover or concealment and instead partially climbing a nearby wall and, while holding yourself on the top of the wall, re-engaging the suspect in a second shooting.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

James P. Wolak, Captain
Commander, East Los Angeles Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JPW:AEA:md

c: Advocacy Unit
Kevin A. Goran, Chief, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Transit Services Bureau South/unit Personnel File

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: February 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION II

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2292855 / IV2329385
Incident:	Hit Shooting
Incident Date:	July 21, 2011
Unit:	East Los Angeles Station
Suspects:	Manuel Jesus Osuna, MH/02-10-85 Suspect #2 - Unknown
Involved Employees:	Deputy Vincent Cisneros, #[redacted] Deputy Eric Gonzalez, #[redacted]
EFRC Date:	February 14, 2013

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender, and Commander Buddy Goldman met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies from East Los Angeles Station were on patrol in the City of Cudahy. While driving eastbound in the 3600 block of Walnut Street, they saw the suspect crossing the street with a car battery in his hands. When the suspect noticed the deputies, he placed the battery on the sidewalk and began to jog two houses eastbound, then southbound down a long driveway.

The deputies went in foot pursuit of the suspect, but lost sight of him as the suspect climbed over a wall. The deputies returned to their vehicle and drove around the block. While driving westbound on Live Oak Street, the deputies saw the suspect and a second individual (Suspect #2) walking southbound down the driveway of an apartment complex located at [redacted] Salt Lake Avenue.

The deputies exited their vehicle and ordered both suspects to stop. One of the deputies saw the second suspect climb over a wall with a handgun in his hand. The deputies saw the first suspect crouch down in front of a parked vehicle. One of the deputies saw the suspect lift up his shirt revealing a handgun in his waistband. The deputy ordered the suspect to place his hands in the air and stop, but the suspect stood up and began to climb over a block wall. As the suspect got to the top of the wall, he turned toward one of the deputies and reached toward the handgun in his waistband. Fearing for his life, one of the deputies fired two to three rounds at the suspect.

The suspect fell over to the other side of the wall. The deputy could hear the suspect communicating with whom he believed to be the second suspect. The deputy climbed on top of the wall and saw the suspect on the ground. Believing the suspect was reaching for the handgun in his waistband, and fearing for his life, the deputy fired another two to three rounds at the suspect.

Ultimately, a containment was set up in an attempt to locate the second suspect. An arrest team was established and the first suspect was taken into custody and brought out to the street where he was medically treated by waiting paramedics. The second suspect was not located.

The Committee determined the force used to apprehend the resistive and armed suspect was reasonable, necessary, and justified.

The Committee deemed as **Founded** the allegation that the tactics used by Deputy Vincent Cisneros were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and 3-01/030.10 Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents, and 5-09/220.50, Foot Pursuits), on or about July 21, 2011, while on duty, Deputy Cisneros failed to conform to the work standards established for his position, and/or failed to employ sound tactical principles, and/or took independent action while attempting to detain a suspect fleeing on foot as evidenced by, but not limited to the following:

Failing to notify SCC within the first few seconds of initiating a foot pursuit, failing to take a position of cover and concealment once observing an armed suspect attempting to flee, failing to communicate with SCC and assisting units after initially firing on the suspect, and, after firing on the suspect, failing to seek and/or maintain a position of cover or concealment and instead partially climbing a nearby wall and, while holding himself on the top of the wall, re-engaging the suspect in a second shooting.

RECOMMENDATIONS:

The Committee recommended Deputy Vincent Cisneros, #[redacted] receive a **ten (10) day suspension**.

Additionally, the Committee recommended Deputy Cisneros be placed on official Performance Mentoring and attend the eight-hour Tactics and Survival class (TAS I), the eight-hour LIFE class, the eight-hour Professional Development Ethical Decision Making class, the eight-hour Perishable Skills class, and the four-hour Arrest and Control for Field Operations class.

Lastly, the Committee recommended the unit commander, Captain James P. Wolak, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

MJR:JER:jer

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 07/21/11	Bureau/Station/Facility: FOR I/East Los Angeles Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-09442-0261-055

Date: 07/21/11 **Time:** 2150 Hours

City or Station: East Los Angeles Station

Location: [redacted] Salt Lake Avenue, Cudahy

Nature of Incident: Deputies Cisneros and Gonzales attempted to contact the suspect while he was walking down the street with a car battery. Suspect ran out of view. Deputies drove around the block and saw the suspect with another individual. The second individual scaled a block wall. Deputy Cisneros saw the butt of a gun protruding from the suspect's waistband as the suspect tried to hide behind a vehicle. The suspect attempted to scale the block wall while reaching for the handgun. Deputy Cisneros fired at the suspect. Suspect climbed over wall. Deputy Cisneros peered over the wall and saw the suspect on the ground. Suspect refused to follow deputy's commands to show hands. Deputy fired at suspect. Suspect sustained gunshot wounds to left shoulder and left hip. No weapon recovered.

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: Apartment Complex

Lighting (*circle only one*):
Darkness
Daylight
Other
(Street Lights) — circled

Weather (*circle only one*):
(Clear) — circled
Cloudy
Fog
Rain

Distance:

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
(Unarmed Person) — circled
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ____

Initiated by (*circle only one*):
Arrest Warrant
Call
(Observation) — circled
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
(Routine Patrol) — circled

Total # of Shots Fired by Deputy: 4

Total # of Shots Fired by Suspect: None

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Gonzalez	Eric		EM (PM) Day — PM circled	(Regular) Overtime Off Duty — Regular circled
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Estrada	Angelica	P	(On Duty) — circled; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Barsh	Jennifer	L

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Carr	Timothy	D

PSTD Use Only

SH # ____________________

SH-R-438A rev. 3/07

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07/21/11	2325		

Employee #	Last Name	First Name	M.I
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Rossi	John	E
[redacted]	Graham	Scott	A

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC					NN	
E1	S1	FH	BR	9	Y	Y	GS	SH
E1	S1	FH	BR	9	Y	Y	GS	HI

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-09442-0261-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Cisneros	First Name: Vincent	M.I.: N.M.I
Sex: M Race: H	Rank: Deputy	Unit Assignment: East Los Angeles	Work Assignment (Unit #, Module, etc.): 26A
ShiftTime (*circle only one*): EM **(PM)** Day	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☒
Hrs of sleep prior to shooting: 8 to 10 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; **(Uniform w/ Vest)**	Other Factors:
Age: [redacted] Height: 5'-07" Weight: 175			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9MM # Shots: 4	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-09442-0261-055

Suspect Information

S 1

Last Name Osuna	First Name Manuel	M.I. J
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Addres[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone[redacted]	H[redacted]	Social Sec[redacted]	Driver's Li[redacted]
Age: 26 D.O.B. 02/10/85	Height: 5'-11" Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # 2817498	Primary C[redacted]	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2292855
URN 011-09442-0261-055

DATE / TIME / LOCATIONS

Thursday, July 21, 2011
2150 hours
[redacted] Salt Lake Avenue, Cudahy

On Thursday, July 21, 2011, at approximately 2150 hours, Deputies Gonzalez (driver) and Cisneros (book man) were assigned to Unit 26A (East Los Angeles Station-Cudahy area). They were in a marked black and white patrol car driving eastbound on Walnut Street from Salt Lake Avenue, when they saw a male (later identified as Suspect Osuna) crossing the street with a car battery in his hands.

Believing the car battery might be stolen, Deputy Cisneros decided to make contact with Suspect Osuna. Suspect Osuna reached the south sidewalk on Walnut Street, placed the battery on the ground **(See Exhibit B, Page 1)**, and started to jog southbound down a driveway. Deputies Gonzalez and Cisneros exited their patrol car and walked approximately halfway down the driveway looking for Suspect Osuna, but did not locate him **(See Exhibit B, Page 2 and Page 3)**.

Deputies Gonzalez and Cisneros got back into their patrol car and drove eastbound on Walnut Street, to southbound Bear Avenue, to westbound Live Oak Street in an effort to locate Suspect Osuna. While driving westbound on Live Oak Street, they saw Suspect Osuna standing on the north sidewalk in front of [redacted] Live Oak Street with another male. As the deputies approached, the two males ran northbound to the rear of the driveway at [redacted] Salt Lake Avenue (residence is located on the [redacted] of Live Oak Street and Salt Lake Avenue)**(See Exhibit B, Page 4)**.

As Suspect Osuna was running, Deputy Cisneros noticed a large bulge in the suspect's waistband. He saw Suspect Osuna kneel down behind a white Ford Ranger pickup truck, which was parked in the driveway near the east retaining wall, as the other male climbed over the east retaining wall and into the rear yard of [redacted] Live Oak Street, and out of view.

While at gunpoint, Deputy Cisneros gave Suspect Osuna several commands to stand up with his hands up, and to walk out to the front of the location; however, Suspect Osuna did not comply. Suspect Osuna began to reach into his waistband with his right hand as if he was reaching for a gun, as Deputy Cisneros continued to order Suspect Osuna to step out with his hands up.

Suspect Osuna stood up and began to climb the east retaining wall. While on the wall, Suspect Osuna reached into his waistband again and attempted to retrieve a handgun with his right hand. Fearing for his safety, Deputy Cisneros fired two to three rounds from his County issued Beretta.

Suspect Osuna climbed over the retaining wall and into the rear yard of [redacted] Live Oak Street. Once the suspect was over the wall, Deputy Cisneros heard a shuffling sound and a male yell, "Take it, take it." Deputy Cisneros said he believed the suspect was giving the handgun to the other male who had climbed over the wall earlier **(See Exhibit B, Page 5).**

Deputy Cisneros climbed the wall and looked into the yard just enough to look for Suspect Osuna. He saw Suspect Osuna laying on the ground, face up, with his arms flailing around as if he had just thrown something. Suspect Osuna told Deputy Cisneros that he was going to kill him. Fearing Suspect Osuna was going to arm himself, Deputy Cisneros fired two to three rounds possibly striking the suspect in the upper torso.

Deputy Cisneros requested assistance over the radio and began to contain the area.

Suspect Osuna sustained a gunshot wound to his left shoulder and a gunshot wound to his left hip. He was initially treated on scene by paramedics, then transported to Saint Francis Medical Center for additional medical treatment.

IAB Note: **Homicide Bureau's complete case book is included in this case book (See Exhibit A).**

IAB Note: **Crime Scene sketch of the shooting scene is included in this case book (See Exhibit B, Page 6).**

Internal Affairs Bureau Lieutenant [redacted] was notified, and Sergeants John Rossi and Scott Graham responded to the Incident Command Post. The following review is based on written documentation and interviews of witnesses, involved deputies, and medical staff.

IAB Note: **Lieutenant [redacted] checked to see that the watch commander, Lieutenant Tim Carr, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant [redacted] checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.**

IAB SHOOTING / FORCE TEAM

Lieutenant [redacted] Sergeant John Rossi, and Sergeant Scott Graham.

INVOLVED PERSONNEL

Cisneros, Vincent, Deputy #[redacted] MH/[redacted] 5-07 155 Right Handed
Patrol - East Los Angeles Station
Region I

Date of Employment:	08/02/2006
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

SUSPECT

Osuna, Manuel, Jesus MH/26 5-08 170

The Consolidated Criminal History System revealed Suspect Osuna had been [redacted]

> **IAB Note: Suspect Osuna's Criminal History Report is included in this case book (See Exhibit C).**

EMPLOYEE WITNESSES

Gonzalez, Eric, Deputy #[redacted]

NON-EMPLOYEE WITNESSES

[redacted] FH[redacted]

[redacted] FH/[redacted]

[redacted] FH[redacted]

[redacted] MH[redacted]

INJURIES

Suspect

Suspect Osuna sustained a through and through gunshot wound to his left exterior hip and a gunshot wound to his left shoulder/clavicle area. He was treated on-scene by paramedics and transported to Saint Francis Hospital for additional medical treatment.

Deputy Personnel

No Department personnel were injured.

PHYSICAL EVIDENCE

Four expended bullet casings, one bullet fragment, and blood were found at the scene.

> IAB Note: **For a complete listing of physical evidence collected, see Exhibit A, Pages 147 through 151.**

In addition, the suspect's clothing (waistband of shorts and underwear) was tested for gunshot residue through the Sheriff's Department's Crime Lab. The results indicated "Numerous particles characteristic of gunshot primer residue and numerous particles consistent with gunshot primer residue were detected on the clothing. The presence of these particles is consistent with the clothing having been in an environment of gunshot primer residue." **(See laboratory report, Exhibit A, Page 150 for further)**.

DISTANCE

Approximately 12 to 15 feet.

INVESTIGATOR OBSERVATIONS

The shooting scene consisted of an apartment complex at the corner of Salt Lake Avenue and Live Oak Street, a residential area in Cudahy.

Investigators observed a black and white Sheriff's patrol car facing west on Live Oak Street near the west end of the apartment complex (location).

The area where the deputies first made contact with the suspect was not viewed by IAB investigators.

IAB Note: **Photographs of the scene are included in this case book, along with a sketch created by crime lab personnel (See Exhibit B). Additional scene photos are included on the compact disc (See Miscellaneous Documents).**

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Bureau Investigator reviewed the radio transmissions over the Working Channel, A-TAC 3 (Area Tactical Channel 3) and L-TAC (Local Tactical Channel), that were associated with the incident.

Deputy Cisneros can be heard over the **Working Channel** putting out "10-33"(emergency) traffic and requesting the patch. Once assigned the patch, he advised he was involved in a "998" (shooting) and gave the location of Salt Lake Avenue and Live Oak Street.

Seconds later, Deputy Gonzalez put out radio traffic confirming the location, and began to coordinate a containment as assisting units started to respond. He advised the suspect was "hunkered down" on the east side of the property ([redacted] Live Oak Street, Cudahy). He further advised the suspect was being detained at gunpoint, the suspect had been shot, and Deputy Gonzalez requested rescue to respond.

Deputy Gonzalez provided a physical and clothing description of a second suspect who ran northbound through the property toward Walnut Street, and another unit (identified as 20J3) from East Los Angeles Station can be heard on the radio setting up a containment and advised the Command Post would be at Clara Park (4835 Clara Street, Cudahy).

Radio traffic continues regarding containment positions, the second suspect's description and last seen direction, and transmissions with Aero (Air 22) readjusting containment positions. At approximately 2214 hours, the patch is released and units switch over to A-TAC 3.

While on **A-TAC 3**, radio traffic continued regarding the containment, traffic control, and roll call was conducted with the involved units. At approximately 2226 hours, the Command Post was advised that the media had arrived at Salt Lake Avenue and Live Oak Street. At approximately 2227 hours, Unit 25/PM advised the suspect was being transported to Saint Francis Hospital.

At approximately 2316 hours, Unit 20G7 advised the Command Post that they found the vehicle which belonged to the "998" suspect. He described the vehicle as a white Ford Mustang convertible, with a California license plate of [redacted] The vehicle was located across the street from [redacted] Walnut Street.

At approximately 2330 hours, a K9 unit began to gather deputies to conduct a search of the target area. At approximately 2345 hours, an unidentified unit advised they had just finished (searching) the primary yard.

At approximately 2207 hours, while on **L-TAC**, an unidentified unit asked the station desk if there were any prowler calls in Cudahy near the incident area.

At approximately 2209 hours, an unidentified unit requested Station Dispatch to contact the Fire Department and have them roll into Salt Lake Avenue and Live Oak Street.

At 2216 hours, an unidentified unit checked with Station Dispatch again regarding any prowler calls near the incident area.

IAB Note: A Compact Disc containing the recording of the Working Channel, A-TAC 3, and L-TAC are included in this case book (See Miscellaneous Documents).

LIGHTING AND WEATHER CONDITIONS

It was nighttime when the incident occurred (2150 hours). There were several street lights on Live Oak Street and outside lighting from the apartment complex, located at [redacted] Salt Lake Avenue, which provided ambient lighting.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Cisneros:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	4
Type of Ammunition Used:	Department Issued Winchester 9MM Luger
Date Employee Last Qualified:	[redacted]

IAB Note: An examination of Deputy Cisneros' firearm during his interview with Homicide detectives indicated he had shot a total of four rounds. Four, 9MM, casings were recovered at the scene (See Exhibit A, Page 148).

WEAPONS USED BY SUSPECT

Deputy Cisneros said he saw the butt of a handgun in the suspect's waistband. No gun was recovered at the scene.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Sergeant John O'Brien #[redacted] and Detective [redacted] #[redacted]

Charges: 245(d)(1) PC - Assault with a firearm on a peace officer.

IAB Note: The District Attorney's Office declined to prosecute the case due to "lack of sufficient evidence" (See Exhibit A, Page 86).

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Vincent Cisneros was interviewed by **Homicide Bureau** Investigators John O'Brien and [redacted] on July 22, 2011, at 0620 hours. The interview was conducted at the East Los Angeles Station and was audio recorded.

Deputy Cisneros said he was hired in August 2006. After graduating the Academy, he was assigned to [redacted] he was assigned to East Los Angeles Station and has been assigned at the station for almost one year.

Deputy Cisneros said he showed up for work on July 21, 2011 (day of incident) at approximately [redacted] hours, and started his shift at [redacted] hours as a one man car (Unit 26). Due to problems with his Mobile Digital Terminal (MDT), he later partnered with Deputy Eric Gonzalez (Unit 26A) sometime during the shift.

Deputy Cisneros said they were driving eastbound on Walnut Street when they saw a male Hispanic, mid-20s, wearing a white shirt and dark shorts or dark pants (later identified as the suspect), crossing the street from north to south with a car battery in his hands. When the suspect reached the south sidewalk, he placed the car battery on the ground. Deputy Cisneros said he was approximately four car lengths from the suspect when the suspect saw them in the patrol car.

Deputy Cisneros said the suspect began to jog southbound toward Live Oak Street through one of the lots. Deputy Cisneros said he and his partner got out of the patrol car and walked approximately half way down the driveway on the lot where the suspect was last seen. Deputy Cisneros said he illuminated the property with his Surefire flashlight, looking for the suspect, but did not find him.

Deputy Cisneros said he and his partner returned to their patrol car and traveled eastbound on Walnut Street, to southbound on Bear Avenue, to westbound on Live Oak Street.

While driving westbound on Live Oak Street, Deputy Cisneros said they saw the suspect and another male walking south on the driveway from the rear of one of the properties [redacted] Salt Lake Avenue - Location of incident). Both males were next to a white pickup truck which was parked on the east side of the driveway, next to a block wall which separates the neighbor's property to the east.

Deputy Cisneros said they pulled up to the driveway. He told the suspect and the other male to come to him. He said the other male back peddled and climbed over the block wall on the east side of the driveway. Deputy Cisneros said the suspect began back peddling as he told the suspect to stop and show his hands.

Deputy Cisneros said the suspect slouched down, lifted his shirt with his left hand and Deputy Cisneros saw a black handgun in the suspect's waistband. He said the suspect started to reach to his waist, slouched a little more, as he (Deputy Cisneros) was telling the suspect to show his hands and get down on the ground.

Deputy Cisneros said the suspect continued to back peddle with his right hand near his waist, and turned to his left toward the block wall. He said the suspect jumped on the block wall as the suspect was looking at him. Deputy Cisneros said the suspect got to the top of the block wall, looked in his direction and the suspect's hand immediately went back to his waist. The suspect motioned as if he was retrieving a gun to shoot him.

Believing the suspect was going to shoot and kill him, Deputy Cisneros said he already had his gun drawn and shot two to three rounds at the suspect. Deputy Cisneros said he was illuminating the suspect with his Surefire flashlight as he shot at the suspect, and he was unsure if he had struck the suspect. Deputy Cisneros said he was on the driver's side of the pickup truck, near the headlights, when he fired at the suspect, who was approximately twelve to fifteen feet away.

Deputy Cisneros said the suspect jumped over the block wall and he could hear him screaming, "Ah mother fucker. I'm going to fucking kill you," and heard, "Hey, hey. Take it, take it." Deputy Cisneros said he could clearly hear two men talking on the other side of the block wall.

Deputy Cisneros said his partner (Deputy Gonzalez) asked him if he was okay. He told him he was okay, and could still hear the suspect saying, "Take it, take it." Deputy Cisneros said he grabbed onto the block wall, looked over the wall, and he saw the suspect on the ground moving around in a swimming motion. He said the suspect was saying, "Get it, get it." Deputy Cisneros told the suspect not to move and to show his hands, as he was illuminating the suspect with his flashlight in his left hand and his gun in his right hand.

While continuing to somehow hold his body on the block wall, Deputy Cisneros said he yelled at the suspect several times not to move and to show his hands. He said the suspect kept moving, looked at him, and reached toward his waistband in the exact same spot where he (Deputy Cisneros) had seen the gun.

Believing the suspect was reaching for the gun again, and fearing for his life, he shot two to three rounds at the suspect. Deputy Cisneros said after he shot at the suspect, he disengaged from the block wall and he was unsure if he had struck the suspect.

Deputy Cisneros said he put out radio traffic indicating he had been involved in a shooting at Live Oak Street and Salt Lake Avenue.

Deputy Cisneros said he jumped onto the hood of the pickup truck giving him a better view of the suspect, or the other male if he were to return. He held the suspect there, as the suspect was telling him not to shoot and that he had been shot. Deputy Cisneros told the suspect not to move and to show his hands. The suspect complied.

Deputy Cisneros said when other deputies arrived, he went into the yard where the suspect was with the arrest team. They placed handcuffs on the suspect and brought him to the front of the location where he was treated by paramedics.

Deputy Cisneros said he was taken to the Command Post, while other deputies set up a containment and looked for the other male involved in this incident.

During the interview, Deputy Cisneros was asked to unload his weapon and the remaining rounds were counted. It was determined he had fired four rounds because he had twelve rounds remaining in his weapon. Deputy Cisneros said he carries a total of sixteen rounds in his weapon.

Deputy Cisneros was asked about a broken cell phone that was laying on the driveway that he and his partner had initially walked down. Deputy Cisneros said he did not remember seeing a cell phone on the driveway. He was also asked about a flashlight belonging to Deputy "I. Garcia, " which was found on the same driveway. Deputy Cisneros said he borrowed Deputy Garcia's flashlight because his flashlight would not charge. This flashlight was in addition to his Surefire flashlight he carries on his duty belt. Deputy Cisneros thought he left Deputy Garcia's flashlight in the car, and he said it must have fallen out of his back pocket when he was looking for the suspect in that area.

IAB Note: The Homicide Bureau detectives summarized their interview with Deputy Cisneros in a Supplemental Report included in this case book (See Exhibit A, Pages 21 through 28). A Compact Disc, containing the audio recording of Deputy Cisneros' interview, is also included in this case book (See Miscellaneous Documents).

A follow-up interview was conducted with Deputy Cisneros by Homicide Bureau Investigators John O'Brien and [redacted] on August 2, 2011, at approximately 1520 hours. This interview was audio recorded.

Deputies Cisneros (along with Deputy Gonzalez) was shown a multi-view black and white surveillance video, approximately 20 seconds long, obtained by Homicide Bureau investigators depicting the area where the car battery was placed on the sidewalk. The surveillance cameras were located at [redacted] Walnut Street, and the cameras were pointed toward the street.

After reviewing the surveillance video twice, Deputy Gonzalez was interviewed by Homicide investigators at 1537 hours, then Deputy Cisneros was interviewed at approximately 1556 hours. The audio recording continued through both interviews (one audio recording).

Deputy Cisneros was asked a series of questions regarding the lights on his patrol car. Deputy Cisneros said their headlights and his spotlight were off. Deputy Cisneros said they had conducted a traffic stop on Olive, between Otis and Salt Lake, prior to the shooting incident.

Deputy Cisneros said, once the suspect placed the battery on the ground, he remembered the suspect going directly south from where the battery was. He said he and Deputy Gonzalez got out of the patrol car and followed the suspect. Deputy Cisneros said once he got to the driveway, he could no longer see the suspect. They check the area and got back into their patrol car.

Deputy Cisneros said they were traveling westbound on Live Oak Street when he saw the suspect in the lot where the truck and trash bin were (apartment complex - [redacted] Salt Lake Avenue). He said the suspect was by the bed of the truck, walking south toward them. Deputy Cisneros said he got out of the patrol car and went toward the suspect. Deputy Cisneros said his focus was on the suspect, but he saw a second person, who appeared startled and jumped over the block wall.

Deputy Cisneros said he started walking toward both individuals and gave them commands to come to him so they could talk before the second person jumped over the block wall. Deputy Cisneros continued to walk toward the suspect telling him to show his hands. Deputy Cisneros said the suspect started to back peddle, stopped, slouched in front of the truck, lifted up his shirt and reached into his waist (waistband). Deputy Cisneros said he could clearly see the suspect had a gun. Deputy Cisneros said he was "really scared."

Deputy Cisneros said he kept telling the suspect to show his hands, and to get on the ground. Deputy Cisneros said he kept walking toward the suspect, as the suspect turned toward the block wall. He said it appeared as if the suspect just jumped onto the wall.

Deputy Cisneros said as the suspect was on the wall, he reached into his waistband. Deputy Cisneros continued to give the suspect commands with his gun pointed at the suspect. Deputy Cisneros said he was approximately 12-15 feet away when he shot at the suspect.

Deputy Cisneros said after he fired two or three rounds, the suspect went over the wall. He heard the suspect shouting at him. He propped himself on the block wall and saw the suspect on the ground, moving around and shouting. Deputy Cisneros said he gave the suspect more commands to show his hands, as the suspect continued to ramble at him. He said he heard the suspect say, "Take it, take it, take it" and Deputy Cisneros knew the other person was nearby.

Deputy Cisneros said he was literally pleading with the suspect to show his hands. He said the suspect looked directly at him, and reached for his waistband again. Deputy Cisneros said he fired two to three more rounds at the suspect.

Deputy Cisneros said after the second shooting, he came down from the wall, and started to put out "998" radio traffic over the "patch." After putting out the radio traffic, Deputy Cisneros said he jumped onto the fender or hood of the truck.

For Deputy Cisneros' complete statements, refer to his verbatim Homicide interview transcripts.

IAB Note: **The Homicide Bureau detectives summarized their interview with Deputy Cisneros in a Supplemental Report included in this case book (See Exhibit A, Pages 49 through 51). A Compact Disc, containing the audio recording of Deputy Cisneros' interview, along with a copy of the surveillance video, is included in this case book (See Miscellaneous Documents).**

Involved Deputy Vincent Cisneros was interviewed by **Internal Affairs Bureau** Sergeants John Rossi and Scott Graham, on September 27, 2011, at approximately 1229 hours. The interview was conducted at Internal Affairs Bureau Headquarters, Interview Room B, and was audio recorded.

IAB Note: **During the interview, five photographs of the scene and a crime scene sketch were utilized to refresh Deputy Cisneros' memory and to assist in providing a clear and understandable review of the incident (See Exhibit B).**

Deputy Cisneros said he has been on the Sheriff's Department for approximately five years, and his current assignment was East Los Angeles - Patrol during this incident. He had been assigned to East Los Angles Patrol for the last ten months. Deputy Cisneros said he started his [redacted] and [redacted]

At the beginning of the interview, Deputy Cisneros was asked if there was anything from his prior homicide interviews that he wanted to change, modify or add. He said during his Homicide interview, he mentioned the suspect placed the car battery in front of [redacted] Walnut Street. Deputy Cisneros said after reviewing photographs of the scene and driving back to the scene, he realized the suspect placed the battery in front of [redacted] Walnut Street.

Deputy Cisneros said on the day of the incident he started his shift as Unit 26, a one man car which started at [redacted] hours. During his shift, he began having Mobile Digital Terminal (MDT) problems and partnered with Deputy Eric Gonzalez as Unit 26A. He said Deputy Gonzalez was the driver and he was the book man in a marked, black and white Sheriff's patrol car. They were in full Sheriff's uniform.

Deputy Cisneros said they were driving eastbound on Walnut Street when they saw a male Hispanic (later identified as the suspect) walking across the street carrying a car battery. When the suspect reached the south sidewalk, he placed the car battery on the ground in front of the residence of [redacted] Walnut Street. Deputy Cisneros thought the suspect's actions were "awkward."

Deputy Cisneros said the suspect began to casually jog east on Walnut Street and south down the driveway at [redacted] Walnut Street. He said he and Deputy Gonzalez got out of their patrol car and started to walk down the driveway looking for the suspect. Deputy Cisneros said he was in front, followed by his partner. Deputy Cisneros said neither he or his partner went in foot pursuit of the suspect and indicated his partner was with him the entire time. Deputy Cisneros said he went approximately halfway down the driveway, lighting the driveway up with his Surefire flashlight, looking for the suspect but was unable to locate the suspect.

Deputy Cisneros said they returned to their patrol car and drove eastbound on Walnut Street, to southbound on Bear Avenue, to westbound on Live Oak Street. Deputy Cisneros said something was not right about the suspect's actions and he wanted to talk with him to see why he was running from them.

Deputy Cisneros said as they approached the apartment complex at the corner of Live Oak Street and Salt Lake Avenue [redacted] Salt Lake Avenue - Location of shooting), they saw the suspect and another male walking southbound on the driveway. He said both males were standing near a white pickup truck parked on the eastside of the driveway (facing north) along a block wall.

Deputy Cisneros said he exited the patrol car and told the suspect and the other male to come to him. He said the other male (generally referred to as non-battery guy during the Homicide interviews) jumped over the block wall on the eastside of the driveway between the front of the white pickup truck and a blue dumpster. The suspect began to back peddle away from him (Deputy Cisneros). Deputy Cisneros said once the other male jumped over the block wall, he never saw him again during this incident.

Deputy Cisneros said he began to give the suspect commands to show his hands. He said the suspect slouched down (hunched over or crouched) near the driver's side headlight of the white pickup truck, and lifted his shirt with his left hand. Deputy Cisneros said he saw a black handgun in the suspect's waistband as he was advancing toward the suspect. Deputy Cisneros estimated he was approximately six to seven feet away from the rear of the white pickup truck.

As he instructed the suspect to show his hands and get down on the ground, Deputy Cisneros said the suspect began to reach toward his waistband, and slouched a little more. Deputy Cisneros said based on the suspect's actions, he felt the suspect's intentions were to kill him. Deputy Cisneros said he had his flashlight on and pointed at the suspect, so he could clearly see him and his weapon was drawn.

Deputy Cisneros said the suspect jumped on the block wall located east of the white pickup truck and looked at him. He said the suspect got to the top of the block wall and looked at him again. At this point, Deputy Cisneros said the suspect immediately reached to his waistband as if he was retrieving the handgun to shoot him. Deputy Cisneros said he was still giving the suspect commands to see his hands and to get down on the ground. Deputy Cisneros said as the suspect was up on the wall he was utilizing the front driver's side portion of the white pickup truck as cover.

Deputy Cisneros said he believed the suspect was going to shoot and kill him, so he fired two to three rounds at the suspect while still illuminating the suspect with his flashlight. Deputy Cisneros said he pointed and shot his weapon utilizing the front sight, but did not remember how he fired those rounds (double tap, shot-pause-shot, etc.). Deputy Cisneros said he was aware of his backdrop during the shooting which was the sky. Deputy Cisneros said during the shooting his partner was behind him.

Deputy Cisneros said the suspect jumped over the wall and he could hear him screaming something similar to "Ah, motherfucker, I'm going to kill you." Deputy Cisneros also said he heard, "Hey, hey. Take it, take it," and he clearly heard two men talking on the other side of the block wall. Deputy Cisneros said he assumed the two men talking were the suspect and the other male that had jumped over the block wall prior to the shooting.

Deputy Cisneros said he believed the statement, "Take it, take it," meant either to take a shot (at him), or to take the gun (and flee). Deputy Cisneros said based on the suspect's actions, he did not believe his rounds had struck the suspect.

Deputy Cisneros said his partner asked if he was okay. After telling him he was okay, Deputy Cisneros grabbed onto the block wall and looked over the block wall. Deputy Cisneros said he saw the suspect on the ground, moving around in a swimming motion, but he did not see the other male. Deputy Cisneros said he made a tactical decision to look over the block wall so he could see what the suspect, and possibly the other male, were doing.

Deputy Cisneros said it would have taken probably over five minutes to set up a containment because of the remote location of Cudahy compared to the other East Los Angeles patrol areas and he was concerned the suspect, or the other male, would take hostages since they were in a residential yard. Deputy Cisneros said it was clear to him that the suspect would have done anything to prevent being apprehended.

Deputy Cisneros said the suspect was still yelling while he illuminated him with his flashlight again. He said the suspect looked in his direction, they made eye contact, and the suspect reached to his waistband again. Deputy Cisneros said he gave verbal commands to the suspect to show his hands, but the suspect continued to reach for his waistband, where Deputy Cisneros had seen the suspect's handgun prior to the suspect jumping over the block wall. Fearing for his life, Deputy Cisneros said he fired two to three rounds at the suspect because he felt the suspect's intentions were to kill him.

Deputy Cisneros said he disengaged from the block wall and was unsure if his rounds struck the suspect. Deputy Cisneros said he disengaged from the block wall because he could not see the other male and he felt he was now a target.

Deputy Cisneros said he started to put out radio traffic that he was involved in a shooting. He said he started putting out radio traffic as soon as it was safe. He said he did not put out radio traffic after the first shooting because everything happened in a matter of seconds, and he felt the suspect was still a threat to his safety.

Deputy Cisneros said he got onto the hood of the white pickup truck and got on one knee so he could see the suspect or the other male if he were to return. Deputy Cisneros said he utilized the block wall as cover.

Deputy Cisneros said he detained the suspect at gunpoint. The suspect told him not to shoot because he had already been shot. He again told the suspect not to move and show his hands. The suspect complied.

Deputy Cisneros said backup deputies arrived and the suspect was ultimately arrested and initially treated for his injuries by paramedics on the street.

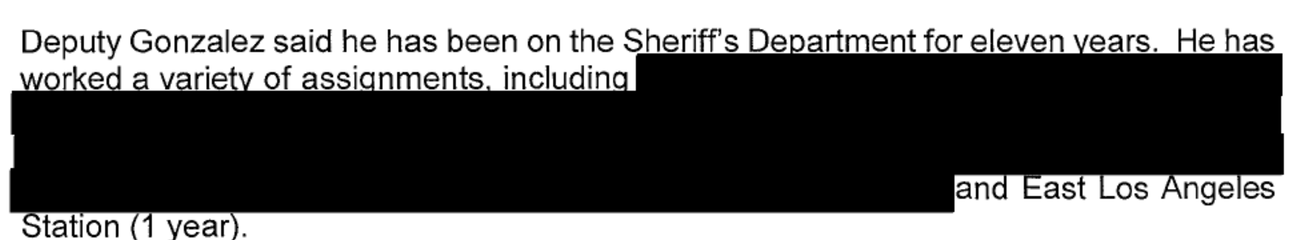
Deputy Cisneros was asked if the suspect had any options to prevent the shooting. Deputy Cisneros said from the beginning, the suspect could not have run from them and he could of complied with his verbal commands by not reaching for the handgun in his (suspect's) waistband. Deputy Cisneros said the suspect's actions dictated his actions.

For Deputy Cisneros' complete statements, refer to his verbatim IAB interview transcript.

EMPLOYEE WITNESS STATEMENTS

Witness Deputy Eric Gonzalez was interviewed by **Homicide Bureau** Investigators John O'Brien and [redacted] on July 22, 2011, at 0513 hours. The interview was conducted at East Los Angeles Station, and was audio recorded.

Deputy Gonzalez said he has been on the Sheriff's Department for eleven years. He has worked a variety of assignments, including [redacted] and East Los Angeles Station (1 year).



Deputy Gonzalez said he was working Unit 26A/PM shift with Deputy Cisneros. He said he was the driver and Deputy Cisneros was the bookman. Deputy Gonzalez said they started out as separate cars (Deputy Cisneros was Unit 26); however, the Mobile Digital Terminal (MDT) in Deputy Cisneros' car started to malfunctioned a couple hours into their shift, so they partnered together.

Deputy Gonzalez said they were traveling northbound on Salt Lake Street and turned eastbound onto Walnut Street. From a distance, he saw a male (later identified as the suspect), wearing a white t-shirt, dark long shorts, and a blue baseball cap, walking away from a white Mustang. He said the suspect walked from the north side of the street to the south side of the street, carrying a car battery. Deputy Gonzalez said as they got closer, the suspect looked back at them, put the battery on the ground and began to jog about two houses east of where he put the battery down, then jogged south, down a driveway.

Deputy Gonzalez said they exited their patrol car and walked the driveway looking for the suspect. He said they did not locate the suspect and got back into their patrol car. Deputy Gonzalez said they traveled eastbound on Walnut Street, to southbound on Bear Avenue, to westbound on Live Oak Street, and saw the suspect walking down the driveway from a location that corresponded to a similar address to the driveway off of Walnut Street.

Deputy Gonzalez said they immediately recognized this person as the suspect and Deputy Cisneros got out of the patrol car to make contact with him. Deputy Gonzalez said the suspect appeared to be startled as soon as he saw them, did an about face and started walking fast toward the back (northbound) of an apartment complex (located on the northeast corner of Salt Lake Avenue and Live Oak Street) with his hands concealed in his waistband. Deputy Gonzalez said Deputy Cisneros began to give the suspect orders to stop and show his hands.

Deputy Gonzalez said as he started to exit the patrol car, he saw another person jumping a block wall (east of the apartment complex), holding a metal object that appeared to be a gun.

Deputy Gonzalez said he took a position on the sidewalk, at the front of the block wall (property line), trying to assess the threat of the person who jumped over the block wall, as Deputy Cisneros was giving orders to the suspect.

Deputy Gonzalez said as Deputy Cisneros was walking toward the suspect, the suspect kept walking away with his hands concealed. Deputy Cisneros gave numerous commands to the suspect to show his hands and at one point, the suspect said, "No." Deputy Gonzalez said he began yelling commands in Spanish for the suspect to show his hands.

Deputy Gonzalez said he saw a shadow moving around between the block wall and a house (east of the apartment complex). He said he tried to watch the shadow and watch Deputy Cisneros at the same time.

Deputy Gonzalez said there was a white Ford Ranger pickup parked in the driveway (of the apartment complex) facing northbound. He said the suspect was in front of the pickup, but he could not see what the suspect was doing. Deputy Gonzalez said Deputy Cisneros was near the front fender of the pickup as the suspect was on top of the block wall and starting to jump over to the other side. He said the suspect started to pull his right hand from his waistband, as if he was going to pull out a gun. Deputy Gonzalez said Deputy Cisneros took two steps backwards and Deputy Gonzalez heard two or three shots go off. He said he was unsure if the suspect had shot or if Deputy Cisneros had shot.

Deputy Gonzalez said he did not shoot at the suspect because he did not have a clear shot and his focus was the other threat (shadow) that he was trying to monitor.

Deputy Gonzalez said he ran toward Deputy Cisneros, who had run in front of the pickup, to make sure he was okay. Deputy Gonzalez said as he started to head back to his containment position because he was concerned about the other person who had already jumped the block wall, he heard another one to two shots fired. He said Deputy Cisneros was holding on to the block wall, pointing his gun over the block wall at the suspect. Deputy Gonzalez said Deputy Cisneros was yelling, "Let me see your hands," "Show me your hands," and "Don't reach," prior to shooting at the suspect again.

Deputy Gonzalez said he heard, "I'll kill you motherfucker," but could not remember if it was right before or right after the second set of rounds were fired. He said this statement either came from the suspect on the ground, or from the first person (shadow) who had jumped the block wall. He also said he heard someone say, "Correle" (run in Spanish) while the suspect was on the block wall. He was unsure if the suspect or the person who had already jumped over the block wall had said run.

Deputy Gonzalez said Deputy Cisneros initially put out "998" radio traffic, then he (Deputy Gonzalez) began to put out pre-coordination radio traffic. Deputy Gonzalez said he maintained his position because he could see Deputy Cisneros and the suspect on the ground. He said he could no longer see the shadow of the other person.

Once other deputies arrived at the location, Deputy Gonzalez showed them where the suspect was and they removed the suspect.

IAB Note: The Homicide Bureau detectives summarized their interview with Deputy Gonzalez in a Supplemental Report included in this case book (See Exhibit A, Pages 16 through 21). A Compact Disc, containing the audio recording of Deputy Gonzalez' interview, is also included in this case book (See Miscellaneous Documents).

A follow-up interview was conducted with Deputy Gonzalez by Homicide Bureau Investigators John O'Brien and [redacted] on August 2, 2011, at approximately 1520 hours. This interview was audio recorded.

Deputies Gonzalez (along with Deputy Cisneros) was shown a multi-view black and white surveillance video, approximately 20 seconds long, obtained by Homicide Bureau investigators depicting the area where the car battery was placed on the sidewalk. The surveillance cameras were located at [redacted] Walnut Street and the cameras were pointed toward the street.

After reviewing the surveillance video twice, Deputy Gonzalez was asked a series a questions regarding the lights on his patrol car. Deputy Gonzalez said it appeared as if the driver's side headlight of their marked patrol car was on, but not the passenger side headlight. He also said it appeared from the video that the forward facing white light on the roof rack (takedown light) was on. Deputy Gonzalez was unable to recall if the rear ambers were on based on the video he had just viewed. Deputy Gonzalez still believed only his parking lights were on as he had indicated in his first interview with Homicide investigators.

Homicide investigators asked Deputy Gonzalez a few more questions regarding the shooting incident. Deputy Gonzalez said he had traveled westbound on Live Oak Street, stopped the patrol car and started to get out of the car when he saw a second person (identified as non-battery guy in the interview). He said the second person was facing the block wall (east side of property), in the motion of jumping onto the wall. He said this person was in front of the Ford Ranger pickup that was parked on the property. He knows Deputy Cisneros and the suspect were moving toward this person.

Deputy Gonzalez said as this person was jumping over the block wall, he saw the person had a black metal object in his right hand which appeared to be a gun. He was able to give a basic description of this person (male Hispanic, early 20s, 5-08/5-10, 170-180 pounds, white T-shirt, black pants or long shorts).

Deputy Gonzalez said once he exited the radio car, he went around the rear of the radio car and stood on the sidewalk at the end of the block wall where it divided the two properties. Deputy Gonzalez said by the time he had reached the sidewalk, the person had already jumped onto or over the block wall. Deputy Gonzalez said he took this position for a tactical reason because he did not want this person to come around and ambush him and his partner.

Deputy Gonzalez said while Deputy Cisneros was confronting the suspect, he (Deputy Cisneros) was giving the suspect commands, such as "Stop," "Don't reach," and "Let me see your hands." Deputy Gonzalez said, at one point, the suspect said, "No."

Deputy Gonzalez said the contact with the suspect lasted approximately seven to twelve seconds before the suspect jumped over the block wall.

Deputy Gonzalez said once the suspect was up on the wall, the suspect reached with his right hand inside his waistband. He said the motion was as if the suspect was reaching for a gun, but he could not see if it was a gun or not. Deputy Gonzalez said he saw his partner take a few steps back then heard the gunshots. He said he did not know if it was Deputy Cisneros shooting at the suspect or the suspect shooting at Deputy Cisneros.

Deputy Gonzalez said after he heard the shots, he immediately ran to Deputy Cisneros to make sure he was okay as the suspect had jumped or fallen onto the property on the eastside of the block wall.

Deputy Gonzalez said once he knew Deputy Cisneros was okay, he started to run back to his original position and he heard one or two more gunshots. Deputy Gonzalez said he stopped to make sure Deputy Cisneros was okay and continued back to the sidewalk.

Deputy Gonzalez said after the second set of gunshots, Deputy Cisneros got on the "patch" and started to put out some radio traffic, which was taken over by Deputy Gonzalez.

For Deputy Gonzalez's complete statements, refer to his verbatim Homicide interview transcripts.

IAB Note: **The Homicide Bureau detectives summarized their interview with Deputy Cisneros in a Supplemental Report included in this case book (See Exhibit A, Pages 48 through 49). A Compact Disc, containing the audio recording of Deputy Cisneros' interview, along with a copy of the surveillance video, is included in this case book (See Miscellaneous Documents).**

Witness Deputy Eric Gonzalez was interviewed by **Internal Affairs Bureau** Sergeants John Rossi and Scott Graham, on September 27, 2011, at approximately 1339 hours. The interview was conducted at Internal Affairs Bureau Headquarters, Interview Room B, and was audio recorded.

IAB Note: During the interview, five photographs of the scene and a crime scene sketch were utilized to refresh Deputy Gonzalez' memory and to assist in providing a clear and understandable review of the incident (See Exhibit B).

Deputy Gonzalez said he has been on the Sheriff's Department for 11 years. He said his assignment was East Los Angeles, and he had been assigned there approximately one year at the time of the incident.

At the beginning of the interview, Deputy Gonzalez was asked if there was anything from his prior Homicide interviews that he wanted to change, modify, of add. Deputy Gonzalez said there were a couple discrepancies between the audio interview and the transcripts. He did not remember what pages the discrepancies were on and indicated it was nothing life altering. He said he would identify the discrepancies if they came up in the interview.

Deputy Gonzalez said on the day of the incident, he started his shift at [redacted] hours as Unit 26 Adam, a one man car. Due to Mobile Digital Terminal (MDT) problems in Deputy Cisneros' vehicle, Deputy Gonzalez said Deputy Cisneros partnered with him as 26 Adam at approximately [redacted] or [redacted] hours. Deputy Gonzalez said he was the driver and Deputy Cisneros was the book man in a marked black and white Sheriff's patrol car. They were both in full Sheriff's uniform.

Deputy Gonzalez said while driving northbound on Salt Lake Avenue to eastbound on Walnut Street, he saw a male (later identified as the suspect) walking across the street carrying a car battery. Deputy Gonzalez said as they got closer, the suspect looked back at them and put the battery on the ground in front of [redacted] Walnut Street. The suspect jogged east, then went south down the driveway at [redacted] Walnut Street. Deputy Gonzalez said he thought the suspect's behavior was odd and suspicious, so he wanted to make contact and talk with the suspect.

Deputy Gonzalez said he and Deputy Cisneros exited their patrol car and walked the driveway looking for the suspect. He said they did not go in foot pursuit of the suspect and Deputy Cisneros was with him the entire time. Deputy Gonzalez said he remembered the driveway being dark but there may have been some lighting toward the back of the driveway. He said both he and his partner used their flashlights to illuminate the driveway.

Deputy Gonzalez said they returned to their patrol car and drove eastbound on Walnut Street, to southbound on Bear Avenue, to westbound on Live Oak Street. Deputy Gonzalez said he did not know where the suspect had gone.

He assumed the suspect might continue south and be walking along Live Oak Street, so they went around the block (in their patrol car) to see if they could locate the suspect.

Deputy Gonzalez said as they approached the apartment complex at the corner of Salt Lake Avenue and Live Oak Street [redacted] Salt Lave Avenue), they saw the suspect walking south, down the apartment complex's driveway near the side of a white pickup truck. He said the suspect had that "Oh Shit" look on his face (surprised to see them). Deputy Gonzalez said as he started to exit the patrol car, he saw a second male (commonly known as "non-battery guy" during the Homicide interviews) between the front of a white pickup truck and blue dumpster in the driveway.

Deputy Gonzalez said Deputy Cisneros went to contact the suspect. The suspect turned around and started to quickly walk away from them with his hands concealed in his waistband, as the second male started to jump over the block wall. Deputy Gonzalez said the lighting was a little brighter then the other driveway, but was still dark.

Deputy Gonzalez said he heard Deputy Cisneros giving the suspect commands to stop and to show his hands, as the second male jumped over the block wall (east side of the driveway) with a metal object, which appeared to be a gun in his hand.

Deputy Gonzalez said he took a position on the sidewalk, at the front of the block wall, trying to assess the threat of the second male who jumped over the block wall. While Deputy Gonzalez was doing this, he said Deputy Cisneros was giving orders to the suspect to stop and for the suspect to show his hands.

Deputy Gonzalez said Deputy Cisneros kept walking toward the suspect, as the suspect continued to walk away with his hands concealed in his front waistband. He said Deputy Cisneros gave the suspect numerous commands to show his hands, and at one point, the suspect said, "No." Deputy Gonzalez said he started to yell commands in Spanish for the suspect to show his hands in case there was a language barrier.

Deputy Gonzalez said he saw a shadow moving around between the block wall and the house [redacted] Live Oak Street) east of the apartment complex. He said his view was partially obstructed by bushes and a wrought iron fence, as he tried to keep an eye on the shadow, along with an eye on his partner (in the driveway).

Deputy Gonzalez said he saw the suspect move to the front of the white pickup truck, but he could not see what the suspect was doing. He said the suspect got on top of the block wall as Deputy Cisneros was near the front fender of the white pickup truck. Deputy Gonzalez said the suspect started to pull his right hand from his waistband, as if he was going to pull out a gun.

Deputy Gonzalez said he saw Deputy Cisneros take a couple of steps back and he heard a couple of gunshots.

He said his view was obstructed by the white pickup truck, along with glancing back and forth between the shadow and his partner, so he was unsure who had shot. Deputy Gonzalez said he did not shoot at the suspect because he did not have a clear shot and he did not have enough information to articulate firing at the suspect.

Deputy Gonzalez said he moved toward Deputy Cisneros to make sure he was okay. After Deputy Cisneros indicated he was okay, Deputy Gonzalez said he started to move back to his original position when he heard another one or two gunshots. Deputy Gonzalez said he did not see the second shooting because he was running back to the front sidewalk to resume his position. He was concerned the second male (shadow) would come around and ambush them.

Deputy Gonzalez said he saw Deputy Cisneros holding onto the block walk and pointing his gun over the block wall at the suspect. He said he heard Deputy Cisneros telling the suspect to show his hands, and not to reach, prior to each shooting.

Deputy Gonzalez said he heard something similar to, "I'll kill you motherfucker," but could not remember if it was before or after the second shooting. He said it either came from the suspect or the second male (shadow). Deputy Gonzalez also said he heard someone say, "Correle," which means run in Spanish, but he was unsure who said it.

Deputy Gonzalez said Deputy Cisneros began to put out over the radio that he had been involved in a shooting. Deputy Gonzalez said he took over and began to put out pre-coordination radio traffic for containment purposes. Deputy Gonzalez estimated it was five to seven seconds between the two shootings.

Deputy Gonzalez said he maintained his containment spot (on sidewalk) because he could see his partner (on the west side of the block wall) and the suspect on the ground (east side of the block wall). Deputy Gonzalez said backup arrived and the arrest team moved the suspect to the street where he was treated by paramedics.

For Deputy Gonzalez's complete statements, refer to his verbatim IAB interview transcript.

SUSPECT STATEMENTS

Suspect Osuna was interviewed by **Homicide Bureau** Investigators John O'Brien and [redacted] on July 25, 2011, at 1610 hours. The interview was conducted at East Los Angeles Sheriff's Station, and was audio recorded.

Suspect Osuna said he was on active parole for receiving stolen property at the time of this incident and he was living with his [redacted] in Rialto [redacted] Suspect Osuna said his nickname was "Pato" from when he played football in high school.

Suspect Osuna said his [redacted] allowed him to drive her white Ford Mustang the day of the incident. He said he was going to change the oil in the car and go see his [redacted] at his [redacted] house on 60th Street in Maywood. He attempted to see his [redacted] at approximately 1900 hours, but nobody came out of the house when he honked the car horn.

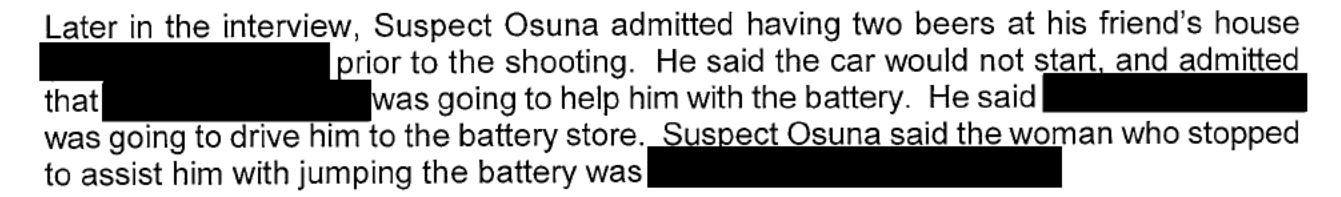
Suspect Osuna said at approximately 2000 or 2030 hours, he went to a battery store on Florence Avenue and Bear Avenue so he could change the battery in his girlfriend's car. He had to park around the corner from the store. After he parked, he tried to start the car but the battery was dead. Suspect Osuna said he asked a lady for jumper cables so he could start the car, but the car would still not start using the cables.

Suspect Osuna said he pulled the dead battery from the car and started to walk across Walnut Street toward the battery store, when the deputies contacted him. He said the deputies told him to put the battery down and place his hands on the hood of the patrol car. Suspect Osuna said he put the battery down and ran because he had a warrant. He said he ran approximately two houses east on the sidewalk on Walnut Street then turned right (southbound) down a driveway. Suspect Osuna said the passenger deputy (Deputy Cisneros) was approximately five to six feet behind him, chasing him, but he lost the deputy after he jumped over several walls.

Suspect Osuna indicated he ended up in the parking lot of an apartment complex [redacted] Salt Lake Avenue) where the shooting occurred. He said he saw the deputy get out of the patrol car. Suspect Osuna turned around and ran toward the block wall. He said he was on top of the block wall when he was shot by the deputy. Suspect Osuna said he was shot in the left shoulder and left hip. He said after he was shot, he could not believe he had been shot, and he fell down on the other side (east) of the block wall and into the neighbor's yard. Suspect Osuna said a lot of deputies came around the house, handcuffed him, and dragged him to the street where he was treated by paramedics.

Suspect Osuna said after he put the battery on the ground and the deputy started to chase him, he heard the deputy yell at him, "Stop man. Why you running?" He said once he jumped over the wall, he could no longer hear the deputy.

Suspect Osuna said the deputy re-contacted him at the apartment complex parking lot, off of Live Oak Street. After the deputy told him to stop, it was his intention to climb over the (east) block wall into the next yard. Prior to climbing over the wall, he was shot off the block wall by the deputy and fell into the next yard.



Later in the interview, Suspect Osuna admitted having two beers at his friend's house [redacted] prior to the shooting. He said the car would not start, and admitted that [redacted] was going to help him with the battery. He said [redacted] was going to drive him to the battery store. Suspect Osuna said the woman who stopped to assist him with jumping the battery was [redacted]

Suspect Osuna said after [redacted] left the scene, he pulled the battery from the Ford Mustang and [redacted] was coming to help him. He said [redacted] was inside his house during the initial contact with deputies on Walnut Street, and he did not see [redacted] when he initially ran from the deputies.

Suspect Osuna said he thought he ran down the driveway of the residence east of [redacted] house and then jumped a wall (westbound) into the driveway of [redacted] property. He said he continued running to a back wall (south) of the property before losing sight of the deputies.

Suspect Osuna said during the foot chase, he dropped his phone somewhere and he did not see [redacted] Suspect Osuna said he was alone and he did not run into anyone in the driveway or the parking lot area of the apartment complex at the corner of Salt lake Avenue and Live Oak Street, where the shooting occurred.

IAB Note: **The suspect's cell phone was recovered in the driveway of [redacted] Walnut Street (See Exhibit A, Page 7).**

Suspect Osuna said he has never held or fired a gun in his life.

IAB Note: **The suspect's clothing (interior waistband of his black shorts and interior and exterior waistband of his red underwear) were analyzed for the presence of gunshot primer residue. Numerous particles consistent with gunshot primer residue was detected on the clothing (See Exhibit A, Page 150).**

Suspect Osuna said he heard three or four gunshots, and he was not sure if he had gotten shot again once he was on the ground in the neighbor's yard because he was dazed.

Suspect Osuna admitted to owning the bag of marijuana recovered from under the front passenger seat of the white Ford Mustang. He said the marijuana was for personal use and said he did not have a "pipe" or any (rolling) papers in the car.

IAB Note: **For Suspect Osuna's complete statements, refer to his audio recorded homicide interview included on compact disc (See Miscellaneous Documents), and the supplemental report (See Exhibit A, Pages 34 through 38) written by the Homicide investigators.**

CIVILIAN WITNESS STATEMENTS

The residential neighborhood near the shooting scene was canvassed for any potential witnesses.

The area was canvassed by Century Station Deputies, and Homicide Bureau Detectives. The names of the residents contacted, and a summary of their statements, are documented on Supplemental Reports included in the Homicide case book **(See Exhibit A)**.

IAB Note: Audio files of the witness canvassing/interviews are included on the compact disc attached to this case book (See Miscellaneous Documents).

Witness [redacted] was interviewed by **Homicide Bureau** Detective [redacted] on July 25, 2011, at approximately 1910 hours. The interview was audio recorded. Witness [redacted] said she heard footsteps and the shaking of a gate that divides her apartment building from the driveway parking lot where the shooting occurred. She said prior to the shaking of the gate, she heard a male voice say, "Run fool." Witness [redacted] said after the shaking of the gate, she heard what sounded like four gunshots. She was unable to provide anything further.

IAB Note: Witness [redacted] interview was summarized by Homicide Bureau investigators (See Exhibit A, Page 42). A Compact Disc containing a recording of Witness [redacted] interview is included in this case book (See Miscellaneous Documents).

Witness [redacted] was interviewed by **Homicide Bureau** Detective [redacted] and Sergeant John O'Brien on July 27, 2011, at approximately 1638 hours. The interview was audio recorded. Witness [redacted] lives in the home directly [redacted] of the block wall where the shooting occurred.

Witness [redacted] said she heard two to three gunshots on the west side of her home. She said she was going to check to see what was happening, then she heard another gunshot.

Witness [redacted] said she spoke with her [redacted] who told her to stay in her house and be careful because there were Sheriffs in her side yard.

Witness [redacted] said she looked out the west facing kitchen window and saw a deputy (Deputy Vince Cisneros) on the west side of the block wall, pointing his gun into her yard and giving commands. Witness [redacted] said she did not see the suspect lying on the ground in her side yard.

Witness [redacted] described the deputy as hanging on to a spike at the top of the block wall separating her yard from the property west of her. She said the deputy was yelling, "Get your fucking hands away from your waist," and someone replied, "Why'd you shoot me son? It hurts."

IAB Note: **Witness [redacted] interview was summarized by Homicide Bureau investigators (See Exhibit A, Pages 44 and 45). A Compact Disc containing a recording of Witness [redacted] interview is included in this case book (See Miscellaneous Documents).**

Witness [redacted] was interviewed by **Homicide Bureau** Detective [redacted] and Sergeant John O'Brien on July 27, 2011, at approximately 1646 hours. The interview was audio recorded.

Witness [redacted] said she was visiting a [redacted] in a house on the same property as her home. She said she normally cares for the dogs in the side yard that belong to her and her family. Witness [redacted] said there was a piece of plywood in an upright position, leaning against the house wall, prior to the shooting.

IAB Note: **Homicide Detectives had previously seen this piece of plywood lying on the ground with a bloodstain on top of it.**

Witness [redacted] said she heard the dogs barking louder then usual, then heard four gunshots. She said she looked out the window and saw a guy (Suspect Osuna) lying on the ground. Witness [redacted] said there was a deputy who had a flashlight shining on the suspect's face and asking the suspect if there was anyone else. She also said she did not see any deputy hanging on the block wall.

Witness [redacted] said there were several footprints on the dog kennels (west side of her residence) which were not there prior to the shooting; however, she had already washed off the kennels prior to her interview.

IAB Note: **Witness [redacted] interview was summarized by Homicide Bureau investigators (See Exhibit A, Pages 45 and 46). A Compact Disc containing a recording of Witness [redacted] interview is included in this case book (See Miscellaneous Documents).**

Witness [redacted] was interviewed by **Homicide Bureau** Detective [redacted] and Sergeant John O'Brien on July 27, 2011, at approximately 1715 hours. The interview was audio recorded.

Witness [redacted] said he heard four gunshots while he was in his livingroom and did not see or hear anything prior to the shooting. He said the gunshots were in order as two shots, slight pause, then two more shots.

Witness [redacted] said he looked out his front door (facing northbound onto the shooting scene) and he heard a deputy yelling at someone he [redacted] could not see. He said the deputy yelled, "Stay on the fucking ground" several times.

Witness [redacted] said he saw a uniformed deputy on the sidewalk, directly south of the block wall separating two properties across the street. He said this was the only deputy he saw at that time.

Witness [redacted] said he could hear somebody crying and stating, "I'm afraid. I'm scared." He ultimately saw other deputies, paramedics, firefighters, and an ambulance arrive.

IAB Note: **Witness [redacted] interview was summarized by Homicide Bureau investigators (See Exhibit A, Pages 46 and 47). A Compact Disc containing a recording of Witness [redacted] interview is included in this case book (See Miscellaneous Documents).**